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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/994,257	
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	Filing Date	11/26/2001	
	First Named Inventor	Martin Andrew Schlosser	
	Art Unit	3726	
	Examiner Name	Jermie E. Cozart	
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Firm	Setter Ollila LLC		
Signature			
Printed Name	Steven L. Webb		
Date	1/24/2006	Reg. No.	44,395

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**PATENT APPLICATION****ATTORNEY DOCKET NO. 35015/002**

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**Inventor(s): Martin A. Schlosser****Serial No.: 09/994,257****Examiner: Jermie E. Cozart****Filing Date: 11/26/2001****Group Art Unit: 3726**

**Title: METHOD OF MANUFACTURING A FLOWMETER FOR THE  
PRECISION MEASUREMENT OF AN ULTRA PURE MATERIAL FLOW**

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**REPLY BRIEF**

This reply brief is being filed in response to the examiners answer mailed on 11/25/2005.

**Summary of the requirements for *prima facie* obviousness.**

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

**Claims 1, 16, 32, 33, 50 and 51 rejection.**

Claims 1, 16, 32, 33, 50 and 51 have been finally rejected as being unpatentable under 35 U.S.C. § 103(a) over Sipin (US 4,559,833) in view of Van der Pol (US 5,918,285). Claim 1 requires:

1. A method of manufacturing a Coriolis flowmeter adapted to extend a received process material flow having an ultra high level of purity free from contamination due to ion transfer from said Coriolis flow meter to said process material; said method comprising the steps of:
  - coupling a flow tube means to a base, wherein said flow tube means is formed entirely from PTFE or PFA;
  - affixing a driver to said flow tube means;
  - coupling a pick-off means to said flow tube means; and
  - affixing inlet and outlet ends of said flow tube means to at least one process connection.

**Examiners response to arguments**

One of the requirements for a § 103(a) rejection is that there must be a reasonable expectation of success when combining references. In the examiner's response to arguments section from the examiner's answer, the examiner restates that Sipin teaches a flow tube that vibrates along its length. The examiner then states that Van der Pol teaches a flow tube made entirely from PTFE or PFA. The examiner does not address the fact that the flow tube in Sipin is not compatible with the flow tube from Van der Pol. As stated in the appeal brief, the flow tube in Van der Pol does not vibrate along its length, but only vibrates in the thin cutout areas in respond to the Coriolis effect (column 4 lines 17 – 28). Most of the tube in Van der Pol (the thick walled part) does not vibrate. Claim 1 requires a flow tube means. The structure disclosed in the specification is a flow tube (102) that vibrates along its length, not in small thin walled segments. Because only the thin walled segments of Van der Pol vibrate, Van der Pol can not teach a flow tube that vibrates along

its length made entirely from PFA or PTFE. Therefore the combination of Van der Pol. and Sipin do not form an operable structure that makes obvious the invention of claim 1.

The combination of Sipin and Van der Pol. do not produce a flow meter with a reasonable expectation of success because the flow tube types are not compatible. A material that produces a functional flow tube using very small thin walled segments contained in recesses cut into the thick walls of the flow tube can not be expected to work when substituted into a flow tube that vibrates along its entire length without some modification to the design. Sipin does not contemplate any changes in the design of the flow tube to make use of PFA or PTFE. Therefore the modification of Sipin by Van der Pol. does not produce a reasonable expectation of success.

As stated in the appeal brief, the examiner has not provided any motivation to combine Sipin and Van der Pol.

Page 700-31 of column 1 of MPEP §706.02(j) states that:

...the burden is on the Examiner to provide the suggestion of desirability of doing what the Examiner has done. It further states that the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in the light of the teaching of the references.

The Examiner's rejection does not meet these requirements. The examiner has not cited where the references "expressly or impliedly suggest the claimed invention". And the examiner has not presented a convincing line of reasoning how someone skilled in the arts would have been motivated to combine the vibrating thin walled segments of Van der Pol with the flow tube of Sipin vibrating along it's entire length. In the examiners answer, the examiner restates what he believes each of the two references teaches, but he does not point to where there is a suggestion for combining the teaching from the two references. Nor does he present a convincing line of reasoning as to why someone skilled in the arts would have found the claimed invention to be obvious in light of the teaching of the two references. Therefore the examiner has not established a *prima facie* case of obviousness.

For the reasons cited above it is believed that the claims are allowable as written.

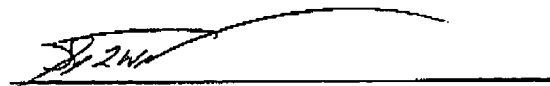
**Conclusion**

In view of the above, applicant respectfully request that the examiner's rejection of claims 1, 16, 32, 33, 50 and 51 be reversed.

It is believed that no fees are due in this matter. However, if it is determined that fees are due, the Commissioner is authorized to debit Deposit Account No. 502622 for the required fees.

Respectfully submitted,

Date: 1/24/2006

**SIGNATURE OF PRACTITIONER**

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